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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/744,035	04/20/2001	Gyozo Baki	01-117	3031

7590 04/17/2007
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Suite 1201
900 Chapel Street
New Haven, CT 06510-2802

EXAMINER

FOX, JOHN C

ART UNIT	PAPER NUMBER
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3753

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/17/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/744,035

Applicant(s)

BAKI, GYOZO

Examiner

John Fox

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin, Jr. in view of the Prior Art admitted by Applicant on page one of the specification, see MPEP 2129.

Martin, Jr. show a mixing faucet where adaptor 50 is read as the connection element and element 80 as the insertion piece. Figure 3a shows two insertion pieces of different functions. The seals are integral to element 80.

The Martin, Jr. valve is displaced and rotated in a customary manner but Martin, Jr. is not explicit about the actuation. Applicant has admitted to Prior Art including a control disc driven through a ceramic moving element by means of a driving arm pivoted in a rotatable lever holder to displace and rotate the control disc. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have used such a Prior Art actuator to displace and rotate the Martin, Jr. control disc in that it is one of the customary means of doing so, as suggested by Martin, Jr.

The provision of three of the elements 80, such as a kit to repair three leaking faucets of unknown piping, is an obvious step in view of the well recognized need for plumbers to be prepared for unexpected exigencies.

Applicant's arguments have been fully considered but they are not persuasive. Applicant's position that the recitation of "different" distinguishes over the proposed rejection is not agreed with. A kit of three reversing inserts meets the claims since there are three different inserts in the kit.

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Claims 5-11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin, Jr., as modified above, in view of Knapp (US 4804011).

The dependence of claim 11 on claim 1 has been ignored since claim 1 has been cancelled.

Knapp shows a faucet with an adapter 19 which can be rotated 180° to perform a second function, or a different adapter can be selected and used to perform the second function, see column 4, lines 9-19. Knapp further teaches that three adapters may be needed for different installations and that one of the three may be selected. It would have been obvious at the time the invention was made to have made the element 80 of Martin, Jr. to be used for three different functions as taught by Knapp and to select an element from those three.

Applicant's arguments have been fully considered but they are not persuasive. The cited portion of Knapp explicitly states that as an alternative to rotating the bottom piece 180° “the plumber will instead select among the available different bottoms 19 for the particular necessities of the current installation and will apply this particular bottom, in the opportune position, to the cartridge shell 1” which suggests, in the Examiner’s opinion, more than two bottoms of different functions.

Claims 5-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Orlandi et al, cited by applicant.

Orlandi et al show a lever actuated faucet with three elements 12 performing different functions. Elements 12 are received and sealed in part 11 which is read as a connecting piece, and are selected for use as needed.

Applicant's arguments have been fully considered but they are not persuasive. Applicant argues that Orlandi et al show an insert in each of the hot and cold water lines, but Figures 1 and 2 of the instant application show exactly the same thing. The claims are seen to be broad enough to cover Figures 1 and 2, and thus to be anticipated by Orlandi et al.

Claims 12, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin, Jr. in view of the Prior Art admitted by Applicant on page one of the specification and further in view of Orlandi et al (EP '980, cited by applicant January 17, 2001)

Martin, Jr., as modified, shows the claimed invention except for a pressure equalizer function. Orlandi et al '980 show a mixing valve having interchangeable inserts including a pressure regulating insert, which is read as a pressure equalizing insert. It would have been obvious at the time the invention was made to have used such an pressure regulating insert in the valve of Martin, Jr., as modified, to provide pressure control in the valve thereof.

"Reverting" is read as "reversing" in these claims.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any


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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Fox whose telephone number is 571-272-4912. The examiner can normally be reached on Patent Hoteling Program.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Keasel can be reached on 571-272-4929. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


John Fox
Primary Examiner
Art Unit 3753